

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The title of the invention has been amended to be indicative of the claimed subject matter and overcome the applied objection.

The abstract has been amended to overcome the objection thereto.

The specification has been amended to correct the typographical error identified in the Office Action and, thereby, overcome the applied objection. No new matter is believed to be introduced by the amendment of the specification.

Claim 1 has been canceled. Claims 2-6 have been amended, and claims 7 and 8 have been newly added. Support for the amendments is provided for example in the original claims, paragraph [0065] of the published specification, and Figs. 17-19 and their accompanying descriptions in the specification. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 1-6 were rejected, under 35 USC §103(a), as being unpatentable over Saji et al. (US 2002/0159373 in view of Kim (US 2003/0012121) and Davis et al. (US 5,684,776). To the extent these rejections may be deemed applicable to the amended and new claims presented herein, the Applicants respectfully traverse based on the points set forth below.

Independent claim 7 defines a disk apparatus having both a traverse cam member and a spindle cam member that are moved correlatively in the horizontal direction. The claimed subject matter advantageously enables a spindle motor to be moved upward, and then a traverse

base to be moved upward, so that a disk may be loaded and moved to a recording/replaying position, without requiring the traverse base to move a long distance in the vertical direction. As a result, an advantage is provided in that the thickness of the disk apparatus may be reduced (see specification page 3, third paragraph).

It is submitted that each of Saji, Kim, and Davis fails to disclose the Applicants' claimed subject matter of a disk apparatus having a traverse cam member and a spindle cam member that are moved correlatively in the horizontal direction.

Accordingly, the Applicants submit that even if the teachings of Saji, Kim and Davis were combined, the result still would lack features of claim 7, and therefore, these references, considered individually or in combination, do not render obvious the subject matter defined by claim 7. It is submitted that the dependent claims are allowable due to their dependence from allowable claim 7 and also due to their recitation of subject matter that provides an independent basis for their individual allowability.

For example, dependent claim 8 defines functions of the disk apparatus in moving the spindle motor and the traverse base of claim 7. With these claimed functions, the distance of the traverse base movement can be reduced. It is submitted that Saji, Kim, and Davis, alone or in combination, do not teach or suggest the claimed operations of claim 8. Thus, allowance of claim 8 is deemed to be warranted for this independent reason.

Therefore, for the above reasons, it is submitted that allowance of claim 7 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: August 27, 2009
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 005085-07107
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559